

REMARKS

I. Amendments

Claim 1 has been amended to recite that each single-piece of the claimed electrical depilator has a clipping surface and a supporting portion provided at a surface of the single piece opposite to the clipping surface. The amended claim recites that the whole set of single-pieces is arranged in such a manner that that the clipping surfaces are directly opposite to each other, and a clipping gap is formed between opposite surfaces of two single-pieces.

Support for the amendment to claim 1 is provided by Figures 4 and 9-11; and by the specification at page 3, last paragraph-page 4, first paragraph.

Upon entry of this paper, claims 1-6 remain pending. No new matter has been added by any amendment herein.

II. Rejection under 35 U.S.C. § 102(b)

Claims 1-6 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by US 5,976,157 to Yiu (“Yiu”). The Examiner alleges that Yiu discloses each of the features of the invention as claimed. Applicant disagrees.

Anticipation requires that each and every feature of the claimed invention be disclosed in a single prior art document. Applicant submits that Yiu does not disclose the pending amended claims 1-6.

A. The pending claims have a simpler structure than Yiu

Yiu discloses a hair removal device comprising a housing and a hair-plucking assembly (col. 1, line 66-col. 2, line 1). The hair plucking assembly comprises a plurality of sets of disc assemblies mounted on a shaft (col. 4, lines 45-48). The disc assemblies includes three main elements: an internal disc assembly **301** and two outer discs **212** (Figs. 6 and 7; and col. 3, line 61-col. 4. line 5). The internal disc assembly has a different structure as compared to the pair of outer discs. As illustrated in Fig. 7, the two arms/peripheral portions **402** of the pair of outer discs **212** press against one arm/peripheral portion **502** of the internal disc assembly **301** to form traps for hair. Accordingly, Yiu’s hair removal device is composed of sets of three separate elements, i.e. two outer discs and one inner disc assembly, to remove hair from the body.

In contrast to Yiu, amended claim 1 recites that the clipping surfaces of two single-pieces are directly opposite each other, and a clipping gap is formed between the two single-pieces so as to depilate hairs (page 5, lines 20-23). That is, depilation occurs in Applicant's invention when the single-pieces come together, without a third member being interposed between the two single-pieces.

Furthermore, each of the single-pieces in Applicant's invention are identical, whereas Yiu requires inner disc assemblies and outer discs, each having distinct structures, to form the hair plucking assembly (page 3, line 28-page 4, line 6). Consequently, the invention of claim 1 has a simpler structure than Yiu and is well suited to manufacture.

B. The structure of Applicant's single-pieces is not disclosed by Yiu.

In Yiu, the inner disc assemblies **301** are provided with pinchers **306** located on U-shaped members **305**. The pinchers **306** extend axially away from the U-shaped members **305**. That is, the pinchers are located on the U-shaped members and are not on the peripheral portions/arms **501** of the disc assemblies (Fig. 7).

In Applicant's invention, each of single-pieces **5** has a clipping surface **51** and a supporting portion **52** (page 5, line 20). The opposite surfaces of sets of single-pieces mate to form a clipping gap (page 2, lines 30-31).

Yiu's pinchers **306** have a function which is similar to that of Applicant's supporting portion **52**. Nevertheless, the structures of Yiu and the present invention are different and not comparable. For example, Yiu's pinchers **306** are located on the U-shaped members **305** which do not provide a tweezing action in Yiu's hair removal device, whereas Applicant's supporting surface **52** is located on a supporting portion which does provide tweezing in Applicant's depilator.

Applicant's single-pieces have a different structure than do Yiu's internal disc assemblies or outer discs, and Applicant's single-pieces are not disclosed by Yiu.

Accordingly, Yiu does not disclose the limitations of each single-piece having a clipping surface and a supporting portion provided at a surface of the single-piece opposite to the clipping surface, and the whole set of single-pieces being arranged in such a manner that the clipping surfaces are directly opposite to each other, a clipping gap being formed between opposite surfaces of two single-pieces.

Consequently, the structure of the electrical epilator as claimed is not disclosed by Yiu, and the rejection under §102(b) is improper and should be withdrawn.

Applicant submits that the pending claims are in condition for allowance, which action is urgently requested. Authorization is hereby given to charge any fee in connection with this communication to Deposit Account No. 23-1703.

Dated: June 3, 2009

Respectfully submitted,
/Andrew Fessak/
Andrew Fessak, Reg. No. 48,528
Customer No. 07470
Direct Line: (212) 819-8437